

### **REMARKS**

The Claims in the application are 21-41. Claims 21-25 had been allowed in the Office action dated April 23, 2009. Claim 25 has been amended to claim "a pharmaceutically acceptable addition salt or stereochemically isomeric form thereof", to conform to the other claims. The Examiner is respectfully requested to repeat the allowance of Claim 25 as amended in this paper.

Claim 26-41 are newly added, and correspond to Claim 2, 3, 4, 5, 6, 7, 8, 9, 11, 12, 13, 16, 17, 18, 19, and 20, respectively.

Claim 26 has been amended to define  $R^2$  as representing cyano;  $C_{1-6}$ alkyl substituted with cyano, aminocarbonyl or mono- or di( $C_{1-4}$ alkyl)aminocarbonyl;  $C_{2-6}$ alkenyl substituted with cyano, aminocarbonyl or mono- or di( $C_{1-4}$ alkyl)aminocarbonyl; or  $C_{2-6}$ alkynyl substituted with cyano, aminocarbonyl or mono- or di( $C_{1-4}$ alkyl)aminocarbonyl. This definition is supported by the specification, p. 2, lines 5-10;  $R^2$  has been limited to a preferred subset.

The claims are to compounds, compositions, and processes of making these. The method claim 1 has been cancelled. The claims are directed to the elected invention Group I, which the Examiner constructively elected. The claims reading on the elected invention are 21-41.

#### **Claim Rejection - 35 USC § 102**

The Examiner had rejected claims 16-17 under 35 USC § 102(b) as being anticipated by U.S. Patent No. 6589950 (Collingwood). All claims presented in this paper avoid overlap with the reference; reconsideration and withdrawal of the rejection is respectfully requested.

#### **Claim Rejections -35 USC § 103**

The Examiner had rejected claims 2, 5-9, and 16-18 under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6897307 (Ciszewski). The claims presented in this paper avoid the rejection and the reference. The scope of the compounds now claimed are characterized by a  $R^2$  definition in para position compared to the NR1 linker, said  $R^2$  definition being defined as cyano; or  $C_{1-6}$ alkyl,  $C_{2-6}$ alkenyl or  $C_{2-6}$ alkynyl, each of them substituted with very specific groups namely cyano, aminocarbonyl or mono- or di( $C_{1-4}$ alkyl)aminocarbonyl. These specific  $R^2$  meanings are not disclosed nor suggested

in '307 and hence the present structures must be considered non-obvious in view of said prior art document. Reconsideration and withdrawal of the reference and the rejection is respectfully requested.

Claim Rejections - 35 USC § 112

The Examiner had rejected claim 18 under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Insofar as this rejection applies to the new Claim 39, this rejection is traversed. Reconsideration and withdrawal of the rejection is respectfully requested.

In particular, the Examiner had questioned the meaning of the word "ligand". The Language of Claim 39 avoids this word, providing instead the "BINAP", as used in the examples and at the specification at page 28, lines 8-9 and lines 16-17, to the Examples B1a) to f) on pages 67-70, and at p. 35, line 18.

The structure I-g has been provided in a legible form. The claims also now are directed to compounds. Accordingly, all issues raised under 35 USC § 112 has been answered in this paper.

**CONCLUSION**

All issues have been resolved in this paper. Early favourable action on the merits is respectfully requested. Applicant respectfully requests that a timely Notice of Allowance of claims 21-41.

Respectfully submitted,  
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